

May 28, 2015

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re:** **Notice of Ex Parte** In the matter of *Ensuring Customer Premises Equipment Backup Power for Continuity of Communications* (PS Docket No. 14-174); *Technology Transitions* (GN Docket No. 13-5); *Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers* (RM 11358); *Special Access for Price Cap Local Exchange Carriers* (WC Docket No. 05-25); *AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services* (RM-10593)

Dear Ms. Dortch:

In its comments filed in the above-referenced dockets, ADT Security Services (“ADT”) supported adoption of a “separate postage” rule to ensure that ILECs separate materials that inform consumers about technology transitions from marketing materials related to services offered over IP-enabled networks.<sup>1/</sup> In furtherance of this proposal, ADT offers the attached proposed rule for the Commission’s consideration.

The proposed rule contains two parts. Part (a) of the proposed rule requires any Telecommunications Carrier that offers an IP-enabled service to disclose whether any existing services that are offered in connection with a TDM Service will continue to operate, and to make clear that existing alarm system will continue to operate. Part (b) of the proposed rule requires carriers to separate the informational materials described in part (a) of the rule from any of the carriers own marketing materials.

ADT’s proposal minimizes consumer confusion without substantially interfering with carriers’ ability to compete for business. This proposal will diminish the Telecommunications Carriers’ ability to use communications about the IP Transition as a simultaneous marketing vehicle to promote the carriers’ own products and services over existing security services offered by its competitors. Because of the Telecommunication Carriers’ obligation to inform consumers about the technical transition, that message should not be coupled with upselling or marketing of additional services. For example, a customer might interpret a solicitation for a carrier’s own

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<sup>1/</sup> Comments of ADT Security Services, GN Docket No. 13-5, *et. al.*, at 2, 12-14 (filed February 5, 2015).

Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.

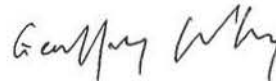
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security services, sent along with a notice related to the IP transition, as an indicator that the customer's existing security service will no longer work, or that a change in service is necessary to take advantage of the new technology, or even that a change in services is endorsed by the federal government or the FCC specifically. This confusion can be avoided by simply separating the solicitation from the informational communication. ADT believes this proposal will impose little, if any, burden on carriers, as they will remain free to engage in marketing activities, even for services that compete with non-carrier's services.

ADT appreciates the Commission's consideration of these issues, and stands ready to address any further questions or concerns the Commission or Commission Staff may have regarding the MFVN principles.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being filed via ECFS, and a copy will be provided via email to the attendees.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Geoffrey G. Why". The signature is fluid and cursive, with the first name "Geoffrey" being more prominent than the last name "Why".

Geoffrey G. Why

Enclosure

cc: Matthew DelNero, Chief, Wireline Competition Bureau  
Carol Matthey, Deputy Bureau Chief, Wireline Competition Bureau  
Daniel Kahn, Wireline Competition Bureau  
Heather Hendrickson, Wireline Competition Bureau

## **EXHIBIT A**

### **§ 1. Definitions**

- (a) *Telecommunications Carrier*. Any person defined as a "Telecommunications Carrier" pursuant to 47 U.S.C. § 153(51).
- (b) *TDM Service*. A time-division multiplexed, circuit-switched voice service offered by a Provider.
- (c) *IP Service*. A voice-enabled service offered by a Provider that utilizes Internet Protocol, or any successor format, including Voice over Internet Protocol service.

### **§ 2. Communication with Subscribers**

- (a) In the event a Telecommunications Carrier offers an IP Service in addition to, or as a replacement for, a TDM Service, the Telecommunications Carrier will provide written information to customers that:
  - (1) Explains whether services not provided by the Telecommunications Carrier that currently use the TDM Service will continue to operate on the IP Service; and
  - (2) States that the IP-based service is compatible with existing industry standard alarm systems supported by the Telecommunications Carrier.
- (b) The Telecommunications Carrier shall keep any marketing materials about products and services that it intends to make available utilizing the IP Service, other than telecommunications service, separate from any written information provided in accordance with Subsection (a) above. A Telecommunications Carrier shall be deemed to comply with this Subsection (b) if it sends marketing materials in separate mailings (e.g., a separate envelope for regular mail, or a separate e-mail for electronic communication)..